

Remarks

Claims 1-30, 32, 34, and 37-38 are presented for reconsideration, with 1 and 27 being the independent claims. Claims 37 and 38 are sought to be added. Claims 1, 2, 20, 21, and 27 are sought to be amended. Claims 35 and 36 are sought to be cancelled without prejudice or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended and cancelled claims, in the future. No new matter has been entered by any amendments.

The Examiner is thanked for his time during a personal interview conducted with Applicants representative, Jason D. Eisenberg, on September 27, 2006. During the interview, the Examiner agreed that the above-noted amendments to claims 1 and 27 would make the claims allowable over the cited references.

Based on the above amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 35 and 36 were rejected under 35 U.S.C. Section 112, first paragraph, allegedly for not being enabled by the instant specification. Although Applicants believe the features recited in these claims were enabled by the instant specification, for example with reference to Figures 12 - 16 and related text, Applicants have cancelled these claims for other reasons, and in order to expedite prosecution. Accordingly, Applicants believe the rejection of these claims has been rendered moot.

Rejections under 35 U.S.C. § 102(b)

Claims 35-36 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by (Applicants assume) Maase or (Applicants assume, in the alternative) by U.S. Patent No. 5,745,591 to Feldman ("Feldman"). Applicants traverse these rejections.

Although Applicants disagree that the applied references teach or suggest the features recited in claims 35 and 36, Applicants have cancelled these claims for other

reasons, and in order to expedite prosecution. Accordingly, Applicants believe the rejections of these claims have been rendered moot.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4-11, 13-21, 23-24, and 27-29 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,528,355 to Maase *et al.* (“Maase”) in view of U.S. Patent No. 4,821,118 to Lafreniere (“Lafreniere”). Claims 3, 12, 22, and 30 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maase in view of Lafreniere, and in further view of U.S. Patent No. 4,684,802 to Hakenworth *et al.* (“Hakenworth”). Claims 25 and 26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maase in view of in view of Lafreniere, and in further view of U.S. Patent No. 5,825,474 to Maase (“Maase II”). Claims 32 and 34 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maase in view of Lafreniere, and in further view of U.S. Patent No. 4,790,260 to Asano *et al.* (“Asano”). Applicants traverse these rejections.

Claims 1 and 27 recite features that distinguish them over the applied references. For example, claims 1 and 27 recite, respectively, a non-planar prism that includes a substantially conical portion, a top portion, and a bottom portion, the non-planar prism being used to receive a hand of a person to capture image data representing a print of the hand of the person.

As discussed during the Examiner interview, and agreed to by the Examiner, none of these applied references, Maase, Lafreniere, Hakenworth, Maase II, or Asano, are being used by the Examiner to teach or suggest these features, neither do any of these references teach or suggest these features. Thus, these applied references fail to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these rejections, and find the respective claims allowable over the applied references.

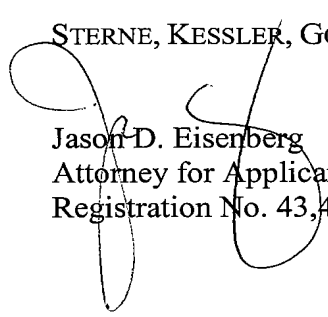
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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